



June 5, 2014

VIOLATION LETTER

sent via email and regular mail

Bill Cochran
Billings Public Library
510 North Broadway
Billings, MT 59101

sent via email and regular mail

Mike Chase
Jackson Contractor Group, Inc.
P.O. Box 967
Missoula, MT 59806

sent via email and regular mail

Larry Matson
LM Excavating, Inc.
111 Eastway Drive
Columbia Falls, MT 59912

RE: Solid Waste Violation Letter [CVID #17633]

Dear Messrs. Cochran, Chase, and Matson:

The Montana Department of Environmental Quality (DEQ) Enforcement Division (ENFD) received a complaint regarding the disposal of solid waste in the former basement of the Parmly Billings Library, 510 North Broadway, Billings, Montana. The old Parmly Library building is currently being demolished. DEQ understands that once the demolition activities are complete, a parking lot will be constructed in the former library space.

Section 75-10-203(11) of the Montana Code Annotated (MCA), states "'Solid waste" means all putrescible and nonputrescible wastes, including but not limited to rubbish; refuse; construction and demolition wastes; wood products or wood byproducts and inert materials."

Pursuant to Section 75-10-221, MCA, a person may not dispose of solid waste or operate a solid waste management system without a license from the Department. A solid waste management system is defined as any system that controls the storage, treatment, recycling, recovery, or disposal of solid waste. If a site is not a licensed solid waste management facility, the disposal and storage of solid waste constitutes a violation of the Solid Waste Management Act (SWMA).

On May 15, 2014, Mary Hendrickson of DEQ Solid Waste Section (SWS) clearly stated in an email to Don Olsen, O2 Architects, Kris Koessl, A&E Architects, and Bill Cochran, Billings Public Library, that only the clean, unpainted, unglued, non-asbestos contaminated bricks, and re-bar free concrete resulting from the old Parmly Library demolition may be used as "clean fill". On May 22, 2014, Rick Thompson, DEQ SWS, conducted a site inspection at the old Parmly Library. Mr. Thompson observed wastes that are not considered "clean fill" and mixed construction and demolition waste in the foundation, in violation of the SWMA.

Additionally, according to the Administrative Rules of Montana (ARM) 17.74.354(1), prior to any demolition or renovation of a facility, the owner or operator shall ensure the facility or part of the facility where demolition or renovation actions will occur is thoroughly inspected by a Department-accredited asbestos inspector.

On May 29, 2014, John Benoit and Greg Kurvink, DEQ Asbestos Control Program (ACP) conducted a site visit to determine compliance with NESHAP Notification Permit MTN14-0016. They observed eight materials, such as red duct sealant, grey cove base with cream adhesive, and carpet adhesive, which did not appear on the original inspection on December 27, 2012, or the supplemental inspection on April 4, 2014. During the site visit Clinton Kauffman of Jackson Contracting received an "Asbestos Inspection Required" posting for the site. The lack of a thorough asbestos inspection is a violation of ARM 17.74.354.

This letter is issued to provide you with the steps necessary to ensure compliance with the laws and rules with regard to both solid waste and asbestos requirements; therefore, you must complete the following actions:

1. Thoroughly inspect all the waste on site and all materials used at the old Parmly Library to ensure there is no asbestos contamination in accordance with ARM 17.74.354(7). This will require the excavation of materials from the basement of the old Parmly Library. The inspection report must be submitted to DEQ ACP before any further renovation or demolition work occurs. If Asbestos Containing Materials are found, they must be managed properly.
2. Obtain an asbestos project permit from DEQ for the transportation and disposal of any asbestos-containing waste and all solid waste contaminated with asbestos in accordance with ARM 17.74.369. This includes the use of accredited individuals.
3. Remove and properly dispose of any solid waste which is not clean fill in an appropriately licensed solid waste management system and obtain written landfill receipts indicating that the solid waste has been properly disposed.
4. Contact me at (406) 444-2411 at least seven (7) working days prior to backfilling or covering any excavations or the former foundation so that DEQ or its representative may inspect the site to verify that all non-clean fill solid wastes have been removed.
5. Within 15 days after properly disposing of all the solid waste and asbestos-containing material, provide me with copies of the landfill receipts indicating that the waste and asbestos-containing material have been properly disposed in a licensed landfill.

The above described violations of the SWMA and ACP are considered significant violations and may result in a formal enforcement action, including the assessment of administrative or judicial penalties.

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If you have any questions, please contact me at the telephone number or email address listed below.

Sincerely,



Lawrence P. Alheim, Jr.
Environmental Enforcement Specialist
Enforcement Division
Phone: 406-444-2411, Fax: 406-444-1923
Email: lalheim@mt.gov

cc via email: Mary Hendrickson, DEQ PCD/WUT/SWS
Mark Hall/Deb Grimm, DEQ ACP
Lisa Peterson/Chris Saeger, DEQ PIO
Kirsten Bowers, DEQ Legal
Christina Volek, Billings City Administrator, P.O. Box 1178, Billings, MT 59101
Brent Brooks, Billings City Attorney, P.O. Box 1178, Billings, MT 59101
Kris Koessl, A&E Architects, 608 N. 29th Street, Billings, MT 59101
Don Olsen, O2 Architects, 208 N Broadway, Suite 352, Billings, MT 59101